



Arizona Department of Child Safety

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| TITLE Overtime Pay | POLICY NUMBER DCS 04-32 | |
| RESPONSIBLE AREA Human Resources | EFFECTIVE DATE 6/14/16 | REVISION 1 |

I. POLICY STATEMENT

The Department shall ensure that eligible employees are properly compensated for overtime hours worked.

This policy does not create a contract for employment between any employee and the Department. Nothing in this policy changes the fact that all uncovered employees of the Department are at-will employees and serve at the pleasure of the appointing authority.

II. APPLICABILITY

According to the Fair Labor Standards Act, specific criteria must be met in order for a position to be exempt from overtime payments. The two categories used to define an employee's eligibility for overtime are:

- [Non-exempt](#)
- [Exempt](#)

III. AUTHORITY

[29 U.S.C. 201, et seq.](#)

The Fair Labor Standards Act

[A.R.S. § 41-743](#)

Powers and duties of director

[A.R.S. § 41-773](#)

Causes for dismissal or discipline for employee in covered service

[A.A.C. R2-5A-404](#)

Arizona State Personnel System Rules (ASPS): Overtime

[A.A.C. R2-5A-501](#)

ASPS Rules: Standards of Conduct

IV. DEFINITIONS

Department: Arizona Department of Child Safety (DCS)

Exempt Employee: In accordance with the Fair Labor Standards Act (FLSA) exempt employees do not receive any additional compensation for hours worked in excess of 40 per workweek. FLSA determinations are made by the Arizona Department of Administration (ADOA), in accordance with the FLSA and applicable State law and the Arizona State Personnel System Rules.

Fair Labor Standards Act (FLSA): the Federal wage and hour law and associated regulations.

Flex Time: An adjustment to normal work hours in a workweek in order to eliminate or minimize overtime hours worked during the same workweek or to minimize the need for paid leave.

Hourly Wage: An employee's base annual salary plus pay add-ons (e.g., stipends, shift differential, etc.) divided by 2,080 hours.

Non-exempt Employee: Non-exempt employees receive overtime at the rate of one and one-half times their regular hourly wage for each hour of overtime worked.

Overtime: All time worked by a non-exempt employee in excess of 40 hours in a workweek.

Overtime Record Form: A log detailing the amount of overtime accrued, and the specific tasks accomplished, that an employee submits to a supervisor at the conclusion of a pay period.

Pay Period: Bi-weekly pay cycle established by ADOA, General Accounting Office.

Workweek: 168 consecutive hours (7 days). The standard workweek for DCS begins Saturday at 12:00 a.m. and ends Friday at 11:59 p.m.

V. POLICY

- A. The Department shall compensate non-exempt employees who work more than 40 hours in a workweek in accordance with the FLSA, ASPS Rules, and this policy.
- B. The Department has the authority to direct non-exempt employees to flex time to avoid or to minimize overtime hours in a workweek.
- C. The Department requires prior, written approval from all levels of supervision (see below) for an employee to work overtime, unless overtime is required for an emergency and such authorization is not feasible. The request and approval may be via e-mail or in other written form, at the discretion of the individual approving the request for overtime.

Overtime Approval Requirements for Non-exempt Employees:

1. Field Offices

- a. Less than 10 hours of overtime in a pay period requires supervisor approval; if a non-exempt employee is supervised by an Assistant Program Manager (APM), then APM approval is required.
- b. 10 to 20 hours of overtime in a pay period requires approval of the employee's Assistant Program Manager.

- c. Over 20 hours of overtime in a pay period requires approval of the employee's Program Manager.

2. Hotline

- a. Up to 10 hours of overtime in a pay period requires approval from Workforce Management Analyst.
- b. 10 to 20 hours of overtime in a pay period requires approval from the Call Center Operations Manager or Assistant Program Manager.
- c. 20 or more overtime hours in a pay period requires approval from the Hotline Administrator

3. Central Office

Non-exempt employees who report to Central Office staff are not permitted to work more than 40 hours in a workweek without the approval of the Deputy Director of Field Operations, Deputy Director of Operations, or Chief of the Office of Quality Improvement, as applicable.

- D. Supervisors shall manage employee work schedules to ensure that an employee does not work overtime without prior approval. Supervisors must ensure that employees do not work additional hours without prior approval, causing an unexpected overtime situation.
- E. The Department may require employees to work overtime. If the Department requires employees to work overtime, employees will be assigned overtime in the following order:
 - 1. Employees who volunteer for overtime will be assigned overtime first. If there are more qualified employees who volunteer to perform the duties than are required, they will be selected on a rotational basis, as determined by the supervisor.
 - 2. In the absence of employees who volunteer for overtime, if more than one employee is qualified to perform the duties required, employees will be assigned on a rotational basis, as determined by the supervisor.
- F. An employee required to work overtime due to an emergency situation shall make every attempt to notify the supervisor as soon as practical, but no later than the next business day. Hotline employees will also notify Workforce Management.

Examples of what constitutes an emergency include, but are not limited to, those instances when a DCS client's health, safety, or welfare is at risk, or the basic functionality of the Department is at risk.

- G. Non-exempt employees shall ensure that all hours worked and any leave used are accurately reflected on their timesheets. Any overtime hours must be accurately and properly recorded. Employees who fail to follow this policy may be subject to disciplinary action, up to and including dismissal from state employment.
- H. Supervisors shall ensure that each employee has accurately filled out the timesheet to reflect hours worked and any leave used. If the timesheet is not completed correctly, it is the supervisor's responsibility to ensure the timesheet is corrected before final approval. Supervisors who fail to follow this policy may be subject to disciplinary action, up to and including dismissal from state employment.
- I. Employees that do not work in an office with a workforce management process shall document all overtime activities on the DCS 1222A - Overtime Record form.

Employees that work in an office with a workforce management process shall verify that overtime hours are accurately coded in the workforce management system.

Supervisors and Workforce Management Analysts shall review all overtime activities to ensure the activities agreed upon prior to approval for overtime align with the needs of the Department, and shall attempt to minimize overtime when possible.

- J. Employees shall document all overtime activities on the DCS 1222A - Overtime Record form. Supervisors shall review all overtime activities to ensure the activities agreed upon prior to approval for overtime align with the needs of the Department, and shall attempt to minimize overtime when possible.
- K. All overtime compensation shall be paid by the Department as monies to the employee. The Department does not offer compensatory leave in lieu of cash payment for overtime hours worked. Overtime compensation shall be added to the employee's normal paycheck for the pay period for which the overtime hours are worked, or the paycheck for the succeeding pay period.
- L. Exempt employees are not eligible to receive overtime compensation, regardless of the number of hours worked.

VI. PROCEDURES

- A. A non-exempt employee requests overtime in writing from his/her supervisor and must obtain written approval prior to working the overtime, unless overtime is required for an emergency and such authorization is not feasible.
- B. Once written approval is obtained and overtime is worked, non-exempt employees enter their time and review the timesheet to ensure that all hours worked and any leave used are accurately reflected on the timesheet.

- C. Supervisors review timesheets to ensure that each employee has accurately filled out the timesheet to reflect hours worked and any leave used. If there are errors in the timesheet, the supervisor rejects the timesheet and requires the employee to submit a corrected timesheet as per standard Employee Time Entry (ETE) procedures.
- D. By the first Monday following the conclusion of the pay period in which overtime was worked, the employee completes and submits the DCS 1222A - Overtime Record form to his/her supervisor to document the activities worked during overtime. If overtime is accrued after the timesheet has been submitted, both the ETE time card and the DCS 1222A - Overtime Record form must be amended.
- E. If planned and approved overtime is *not* worked after the timesheet has been submitted, the ETE and DCS 1222A - Overtime Record form must be amended.
- F. The Department does not use leave hours (e.g., Holiday, Sick, Annual, etc.) when calculating overtime hours; calculations include *only* hours that the employee actually worked.
- G. If annual leave or sick leave is requested by an employee and approved by a supervisor during a week in which an employee works beyond regularly scheduled work hours, the Department shall offset the leave hours (flexed out) to minimize the use of leave, to avoid compensation of over 40 hours in the workweek, and/or to minimize overtime compensation.
- H. Employees may not flex overtime hours worked in one workweek into another workweek, even if the workweeks are in the same pay period.

VII. FORMS INDEX

DCS 1222A - Overtime Record Form